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Review Conference on the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks
New York, 24-28 May 2010

Report of the resumed Review Conference on the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks

Prepared by the President of the Conference

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I. Introduction

1. Pursuant to article 36 of the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (the Agreement),[1] the Secretary-General convened a Review Conference on the Agreement in 2006. The Review Conference was mandated to assess the effectiveness of the Agreement in securing the conservation and management of straddling and highly migratory fish stocks by reviewing and assessing the adequacy of its provisions and, if necessary, proposing means of strengthening the substance and methods of implementation of those provisions in order better to address any continuing problems in the conservation and management of those stocks.[2]

2. The Review Conference addressed ways to give full effect to the Agreement, both through a substantive review and assessment of the Agreement and by agreeing on recommendations for strengthening the implementation of its provisions. The Review Conference also agreed to keep the Agreement under review through the resumption of the Review Conference at a date not later than 2011.[3]

3. In its resolutions 63/112 and 64/72, the General Assembly requested the Secretary-General to resume the Review Conference in New York from 24 to 28 May 2010, with a view to assessing the effectiveness of the Agreement in securing the conservation and management of straddling fish stocks and highly migratory fish stocks. The Assembly also requested the Secretary-General to submit to the resumed Review Conference an updated comprehensive report, prepared in cooperation with the Food and Agriculture Organization of the United Nations (FAO), to assist the Conference in discharging its mandate under article 36. It further requested that the Secretary-General, in preparing the updated comprehensive report, take into account the specific guidance proposed thereto by the eighth round of informal consultations of States parties to the Agreement.[4]

4. The report of the Secretary-General[5] contained an overview of the status and trends of straddling fish stocks and highly migratory fish stocks, discrete high seas stocks and non-target, associated and dependent species. It also provided a review and analysis of the extent to which the recommendations adopted by the Review Conference in 2006 have been implemented by States and regional fisheries management organizations and arrangements, including a description of relevant activities of FAO, as well as specific information on the capacity-building needs of developing States in relation to implementation of the Agreement. In addition, the report provided an overview of the performance reviews of regional fisheries management organizations and arrangements that have taken place so far, including a description of the primary recommendations of those performance reviews.

5. Pursuant to paragraph 34 of General Assembly resolution 64/72, a ninth round of informal consultations was held in March 2010 and served as a preparatory

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[1] United Nations, *Treaty Series*, vol. 2167, No. 37924.

[2] General Assembly resolutions 59/25 and 60/31.

[3] A/CONF.210/2006/15, annex, para. 59.

[4] General Assembly resolution 64/72, para. 33. The specific guidance proposed by the eighth round of informal consultations is contained in document ICSP8/UNFSA/REP/INF.6, annex III.

[5] A/CONF.210/2010/1.

meeting for the resumed Review Conference.[6] At the ninth round, States parties to the Agreement, inter alia, conducted a preliminary review of the report of the Secretary-General,[7] considered the provisional agenda and the draft organization of work to be recommended to the resumed Review Conference, discussed vacancies in the Bureau of the resumed Review Conference and exchanged preliminary views on the possible outputs of the Conference.[8]

6. In accordance with article 36 of the Agreement, the Secretary-General addressed invitations to participate in the resumed Review Conference to all States parties to the Agreement and those States and entities which are entitled to become parties, as well as those intergovernmental and non-governmental organizations entitled to participate as observers.

II. Procedural matters

A. Opening of the resumed Review Conference

7. The President of the Review Conference, David Balton (United States of America), opened the Conference and recalled the set of recommendations adopted by the Conference in 2006. He emphasized that the resumed Review Conference represented an opportunity to re-examine those recommendations and consider additional means to strengthen the implementation of the Agreement. He also reminded delegations that, as this was a resumption of the Review Conference, the mandate of the Conference remained unchanged.

B. Opening statements

8. The President stressed that the Agreement had played a powerful role in influencing developments in international fisheries and that Governments had worked hard, both individually and through regional fisheries management organizations and arrangements, to translate the provisions of the Agreement into concrete measures for regulating fisheries for straddling fish stocks and highly migratory fish stocks. In that regard, new regional fisheries management organizations and arrangements were coming into existence with mandates drawn from the Agreement, and many existing organizations and arrangements had changed their measures, practices and, in some cases, constitutive instruments, to conform to the Agreement. The President drew attention to the fact that the Agreement itself had also attracted more support, with 20 more States becoming parties to the Agreement since the Review Conference in 2006, and that States parties now represented most of the major flag States of fishing vessels and the major markets for fish. Despite these developments, however, the overall status of straddling and highly migratory fish stocks remained poor. As highlighted in the report of the Secretary-General (A/CONF.210/2010/1), 25 per cent of tuna and tuna-like species were overexploited and another 5 per cent were depleted, with the status of oceanic sharks appearing to be markedly worse, while 55 per cent of straddling fish stocks were overexploited and 8 per cent were depleted. He expressed hope that

[6] ICSP9/UNFSA/INF.4, report of the ninth round of informal consultations, 16-17 March 2010.
[7] A/CONF.210/2010/1.
[8] ICSP9/UNFSA/INF.4.

the resumed Conference would generate further ideas and commitments to implement the Agreement in ways that would better address the status of those resources.

9. On behalf of the Secretary-General, Patricia O'Brien, Under-Secretary-General for Legal Affairs, the Legal Counsel, welcomed participants to the resumed Review Conference. She noted that the Agreement had established a comprehensive legal regime for the long-term conservation and sustainable use of straddling and highly migratory fish stocks, through the implementation of the 1982 United Nations Convention on the Law of the Sea (the Convention). The Agreement had helped to bring about a fundamental change in the approach of the international community to the management of high seas fisheries, based on the principle of sustainability and on modern tools such as the precautionary and ecosystem approaches. It was noted that, almost nine years since the Agreement had entered into force, participation in the Agreement was regarded as an important way for countries to commit themselves to responsible fisheries.

C. Adoption of the agenda

10. The Conference adopted its agenda as document A/CONF.210/2010/3.

D. Vacancies in the Bureau

11. The President recalled that, in accordance with rule 10 of the provisional rules of procedure,[9] the Review Conference had elected a number of officers in 2006 to serve on the Bureau of the Conference. He explained that those officers would resume and continue their functions at the resumed Review Conference. However, a number of the members of the Bureau were unable to do so and, therefore, an election would need to be held to fill the vacancies in the Bureau.

12. The Conference confirmed that Sainivalati S. Navoti (Fiji), Andrés Couve (Chile) and Liu Zheng (China) would resume and continue their functions as Vice-Presidents. It also elected Carmen-Paz Marti (Spain), Cyrille Condé (Guinea), and Annelle Urriola (Panama) as Vice-Presidents.

E. Organization of work

13. The Conference adopted its organization of work as document A/CONF.210/2010/4.

F. Credentials of representatives to the Conference

14. The President recalled that in 2006, in accordance with rule 8 of the provisional rules of procedure, the Review Conference had appointed a Credentials Committee of nine members representing the following States parties to the Agreement: Germany, India, Mauritius, Norway, Saint Lucia, South Africa, Sri Lanka, Ukraine and Uruguay.

[9] A/CONF.210/2006/6.

The resumed Review Conference confirmed that the Credentials Committee would continue with the same composition.

15. The Credentials Committee held an organizational meeting on 24 May 2010, during which it elected Muditha Halliyadde (Sri Lanka) as Chairperson and Dire Tladi (South Africa) as Vice-Chairperson. At its second meeting, on 26 May 2010, the Committee examined and accepted the credentials of representatives to the resumed Review Conference from 94 participating States, including the European Union.

16. On 28 May 2010, the resumed Review Conference approved the report of the Credentials Committee (A/CONF.210/2010/5). The Chair of the Committee informed the Conference that, following the adoption of the report by the Committee, additional information concerning the appointment of representatives participating in the resumed Review Conference had been submitted by one participating State.

G. Presentation of the report of the ninth round of informal consultations

17. The Conference took note of the report of the ninth round of informal consultations,[10] which was introduced by the President.

H. Consideration of the report on the status of the Assistance Fund under Part VII of the Agreement

18. The representative of FAO presented the financial report on the status of the Assistance Fund established under Part VII of the Agreement.[11] He noted that contributions to the Fund had been received from Canada, Iceland, Lebanon, New Zealand, Norway and the United States, with total contributions to date in the amount of $836,153.

19. The representative of FAO stated that the total income of the Fund since its creation, including interest, amounted to $886,985. The total expenditures of the Fund, including unliquidated commitments, amounted to $735,744, and the current balance stood at approximately $61,241. He noted that information about the existence and purpose of the Assistance Fund had been disseminated widely by the United Nations and by FAO, including through electronic means, international meetings and contacts with relevant regional fisheries bodies.

20. The Conference took note of the report presented by FAO on the status of the Assistance Fund.

[10] ICSP9/UNFSA/INF.4.

[11] A/CONF.210/2010/2.

III. Substantive matters

A. General statements

21. Many delegations expressed their support for the Agreement and emphasized that it provided the framework and necessary tools for the long-term conservation and sustainable use of straddling fish stocks and highly migratory fish stocks, including through essential governance principles, such as the ecosystem and precautionary approaches, and a framework for regional cooperation on fisheries. Delegations also welcomed the 20 States that had become parties to the Agreement since the Review Conference in 2006 and urged States that had not done so to ratify or accede to the Agreement. Some delegations noted with satisfaction that implementation of the Agreement had progressed since 2006, as both States parties and States not parties had largely complied with its provisions.

22. Some delegations made reference to the Lima Declaration of 5 May 2010[12] and stressed that all provisions of the Agreement were to be interpreted and applied in the context of, and in a manner consistent with, the Convention. Those delegations also expressed their interest in the Agreement and their desire to contribute to its improvement, so that it could achieve universality. Delegations also made reference to other international instruments that contributed to sustainable fisheries, including the FAO Code of Conduct for Responsible Fisheries and the international plans of action of FAO.

23. Delegations emphasized that the resumed Review Conference was an important opportunity to take stock of progress, share experiences and challenges and examine means to further strengthen implementation of the Agreement and the recommendations adopted by the Review Conference in 2006. It was generally agreed that considerable progress had been made since the Review Conference in 2006 and delegations stressed the widespread commitment by States and regional fisheries management organizations and arrangements to the conservation and sustainable management of straddling and highly migratory fish stocks.

24. Many delegations highlighted specific developments since the adoption of the recommendations of the Review Conference in 2006. Those developments included increased participation in the Agreement, progress in the establishment of new regional fisheries management organizations and arrangements in the Pacific Ocean region, adoption of strengthened measures on monitoring, control, surveillance, compliance and enforcement, in particular, the adoption of the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, application of the ecosystem and precautionary approaches, the adoption of resolutions by the General Assembly on bottom fishing and protection of vulnerable marine ecosystems, completion of performance reviews by some regional fisheries management organizations and arrangements, initiation of expert consultations on flag States performance, progress in cooperative activities among regional fisheries management organizations and arrangements, such as the joint meeting of the tuna organizations, and the work of FAO towards establishing a global registry of vessels with a single vessel identification number and improving catch statistics.

[12] A/CONF.210/2010/6, annex.

25. Delegations highlighted that, four years after the Review Conference in 2006, significant concerns remained over the long-term conservation and sustainable use of straddling and highly migratory fish stocks, including depletion of fish stocks, collection and dissemination of data, increased fishing capacity and the protection of vulnerable marine ecosystems. Several delegations emphasized the importance of fisheries to their culture, health, economy and development. It was pointed out that decisions taken at the resumed Review Conference would affect the attainment of global and regional development indicators. The importance of the social pillar of sustainable development and human rights in relation to the success of long-term fisheries conservation and management was also stressed.

26. It was generally felt that further efforts were needed to improve the status of fish stocks, including by strengthening requirements for timely and accurate fisheries data reporting, requiring measures to be consistent with the best available scientific information and applying the precautionary approach as set forth in article 6 of the Agreement. Many delegations highlighted the poor state of the world's fisheries, as reflected in the report of the Secretary-General, which indicated that there had been no major changes in the overall state of stocks and fisheries catches since the last assessment in 2005. In most cases where stocks had been reassessed, their status had worsened. Other delegations expressed disappointment that sufficient information was not available to enable a satisfactory evaluation of the status of the stocks covered by the Agreement. Those delegations were of the view that the quality of future evaluations of the performance of the Agreement would depend on substantial improvements in the availability of data on the status of stocks.

27. Several delegations expressed concerns over particular stocks in the Pacific region, such as bigeye and yellowfin tuna, or jack mackerel, as well as the status of sharks. It was noted that a number of States had already taken action at the national level to stop the practice of shark finning. Reference was made to a recent effort to list certain shark species with the Convention on International Trade in Endangered Species of Wild Fauna and Flora, which had served to increase pressure on regional fisheries management organizations and arrangements to develop appropriate conservation measures for shark species. A number of delegations called for specific actions to protect sharks, including species-specific data collection requirements, measures requiring sharks to be landed with their fins attached or equivalent landings of shark fins and shark carcasses, as well as additional international bans on shark finning.

28. A view was expressed that progress had not been made in improving the status of stocks because regional fisheries management organizations and arrangements had failed to follow scientific advice to reduce catches and States had failed to implement and enforce the conservation and management measures adopted by regional fisheries management organizations and arrangements. It was pointed out that if States were unable to fulfil their obligations, there would be a further decline in fish stocks and increased pressure to deal with issues relating to overfishing in other forums, which would undermine the role of regional fisheries management organizations and arrangements as set out in the Agreement.

29. With regard to the conservation and management of stocks, some delegations highlighted, in particular, actions taken pursuant to General Assembly resolution 61/105 to address the effects of bottom fishing on vulnerable marine ecosystems. It

was suggested that efforts should now focus on continued and improved implementation of existing recommendations from the General Assembly, including discussing the best format for further work related to fisheries and vulnerable marine ecosystems. The view was expressed that, since issues relating to bottom fishing and vulnerable marine ecosystems were being discussed in other forums, it would not be appropriate for the resumed Review Conference to deal with those issues.

30. Several delegations emphasized the need to implement the ecosystem and precautionary approaches, as healthy stocks could only be supported by healthy ecosystems. In that regard, there was a need to strike a balance between precaution and efficient management. Concern was also expressed over the heavy burden that could be placed on States lacking implementation capabilities in efforts to achieve precautionary management goals. Some delegations indicated that the resumed Review Conference should focus on fundamental measures, such as catch allocations, before dealing with complex issues, such as the ecosystem approach, which still required improved understanding of its concept and application.

31. Support was expressed for increased cooperation and integrated approaches to marine governance, area-based management tools, including marine protected areas, as well as environmental impact assessments. Reference was also made to the commitment made at the World Summit on Sustainable Development to protect marine biodiversity by establishing a global representative network of marine protected areas by 2012 within and beyond areas of national jurisdiction.

32. Many delegations emphasized the central role of regional fisheries management organizations and arrangements in the conservation and management of fish stocks under the Agreement. Those organizations and arrangements were the appropriate forums for States to discharge their obligations to cooperate in the conservation and management of fishery resources, as provided in the Convention. The view was expressed that the large responsibilities entrusted to regional fisheries management organizations and arrangements were accompanied by great expectations on the part of the international community. It was pointed out that regional fisheries management organizations and arrangements could cover all activities relevant to the conservation and management of straddling and highly migratory fish stocks, from harvesting to distribution, trade and consumption. Other delegations encouraged all parties with a real interest in the concerned fisheries to become members of those organizations or participants in those arrangements.

33. Several delegations also emphasized the need to improve the performance of regional fisheries management organizations and arrangements, which had been uneven. A number of delegations supported the modernization of the mandates of those organizations and arrangements, as well as the completion of regular performance reviews and the implementation of related recommendations in a timely manner. Delegations also highlighted the need for performance reviews to be undertaken in conformity with the recommendations of the Review Conference in 2006. It was also suggested that the review of implementation of recommendations from performance reviews should be conducted at the international level on a regular basis. The need for uniform criteria and process requirements was also emphasized.

34. It was stressed that the obligation to comply with management measures of regional fisheries management organizations and arrangements rested on States

members themselves, and that those members ultimately bore primary responsibility when those organizations and arrangements failed to achieve conservation objectives. Several delegations reiterated that regional fisheries management organizations and arrangements could only perform as well as their member States allowed them to perform. In that regard, the resumed Review Conference was an opportunity for States to reflect on their own obligations under the Agreement. States that were members of more than one organization or arrangement were urged to contribute to the necessary consistency among them.

35. Delegations indicated that it was necessary for regional fisheries management organizations and arrangements to strengthen requirements for timely, complete and accurate fisheries data reporting, increase research capacity, improve transparency and accountability and reduce the incidental mortality of non-target and associated species. It was also important for States to comply with measures adopted by the organizations and arrangements. It was suggested that regional fisheries management organizations and arrangements establish mechanisms to assess compliance levels, with possible sanctions for non-compliance. The need for them to adopt conservation and management measures on the basis of scientific advice was also emphasized. One observer suggested that fishing should be suspended in the absence of such advice. It was indicated that the problems experienced by regional fisheries management organizations and arrangements were largely the same as those experienced by States.

36. Several delegations highlighted the principle of compatibility and stressed that regional fisheries management organizations and arrangements should not take measures that would weaken the efficiency of the measures adopted by coastal States for the same species. It was pointed out that regional fisheries management organizations and arrangements needed to cooperate with coastal States and reinforce, rather than undermine, national conservation measures. The view was also expressed that articles 5, 6 and 7 of the Agreement should be interpreted in a manner that was not incompatible with the sovereign rights of coastal States in exploring and exploiting, conserving and managing straddling fish stocks and highly migratory fish stocks in areas under their national jurisdiction.

37. A number of delegations highlighted the Convention of the South Pacific Regional Fisheries Management Organization (SPRFMO)[13] as a model for regional fisheries management organizations and arrangements. Those delegations suggested that it had raised the legal standard for international fisheries management in terms of objective and principles, endorsement of the precautionary and ecosystems approaches, emphasis on best international practices, provisions on new and exploratory fisheries and robust decision-making processes. Delegations appealed for the rapid entry into force of the SPRFMO Convention and for strict compliance with the related interim measures. It was noted that the development of new regional fisheries management organizations and arrangements seemed to have resolved many of the concerns of some States in respect of the Agreement.

38. Several observers provided information on steps taken by regional fisheries management organizations and arrangements to implement the Agreement and the recommendations adopted by the Review Conference in 2006, or to improve the

[13] The Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean (SPRFMO Convention) was adopted on 14 November 2009.

conservation and sustainable use of fish stocks under their management, more generally. Some observers noted that a performance review process had been initiated in respect of the Northwest Atlantic Fisheries Organization (NAFO), and that an overall performance review would be considered in 2010 in respect of the Western and Central Pacific Fisheries Commission (WCPFC). It was noted that WCPFC had been established after the adoption of the Agreement and had fully incorporated its provisions. In addition, many of the members of WCPFC were also parties to the Agreement, which had facilitated the implementation of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean.

39. Delegations also welcomed increasing cooperation among regional fisheries management organizations and arrangements, in particular, the meetings of the five tuna organizations through the Kobe process, which was lauded as an important step in bringing concrete coordinated measures into place. The wide variety of mandates and competencies of regional fisheries bodies was highlighted as an opportunity to exchange knowledge, approaches and solutions.

40. Delegations acknowledged that a number of States had adopted strengthened measures for monitoring, control and surveillance and compliance and enforcement since the Review Conference in 2006. Many delegations welcomed the adoption of the FAO Agreement on Port State Measures and called upon States to become parties to it. A number of delegations also highlighted measures that had been taken at the national level to improve implementation of monitoring, control and surveillance measures.

41. Many delegations emphasized the need to address illegal, unreported and unregulated fishing more generally, including by implementing practical regulatory measures to improve enforcement capacity. It was noted that only limited advances had been made to reduce harmful subsidies and fishing capacity, and many delegations highlighted the need for fishing capacity to be commensurate with available fishing opportunities, while ensuring the rights of developing States to develop and participate in fisheries. Delegations also emphasized the need for regional fisheries management organizations and arrangements to strengthen control measures throughout the whole market chain, including through catch documentation schemes. It was noted that States were responsible for vessels flying their flags, but also the actions of nationals whose vessels were flagged to other States.

42. Some delegations stressed the need to consider alternative systems of monitoring and surveillance, in lieu of boarding and inspection as provided for under articles 21 and 22 of the Agreement. Delegations also called for the negotiation of a binding instrument on flag State responsibility, or the development of guidelines by FAO on flag State implementation.

43. With respect to capacity-building, many delegations emphasized that capacity-building and assistance to developing States were key elements for the effective implementation of the Agreement. It was noted that article 25 of the Agreement set forth actions that States could take to enhance the capacity of developing States. It was suggested that, although facilitating the participation of developing countries in fisheries-related meetings was important, increased emphasis should be given to strengthening their capacity to conserve and manage fish stocks and participate in high seas fisheries.

44. More generally, it was suggested that there was a need for targeted delivery of assistance and capacity-building to developing States to improve cooperative management of fishery resources. In addition, it was reiterated that the rights of participation in fishing on the high seas must take into account the interests of coastal States and developing countries. The importance of the equitable utilization of fishery resources was also emphasized, as was the need to respect World Trade Organization (WTO) principles and prevent barriers to the trade of fish products. A view was highlighted concerning the adverse impacts of piracy, which had rendered fishing off the coast of Somalia very dangerous, on the economy of small island developing States.

45. Many delegations highlighted the important role of the Part VII Assistance Fund, which had provided concrete opportunities to developing States parties to obtain technical training and assistance and develop human resources for the conservation and management of fish stocks. The delegation of Norway announced its pledge to donate $100,000 to the Fund.

B. Assessment of the effectiveness of the Agreement in securing the conservation and management of straddling fish stocks and highly migratory fish stocks

1. Review of the implementation of the recommendations adopted at the Review Conference in 2006

46. The President invited delegations to organize their interventions around the first two framework questions in the organization of work, namely: (a) In which areas is implementation of the recommendations adopted at the Review Conference in 2006 proceeding generally well? and (b) In which areas is implementation of those recommendations at an early stage or has little progress been seen? He urged delegations to focus on the recommendations that were of most importance and relevance or which might require more consideration by the Conference.

(a) Review of the implementation of the recommendations relating to the conservation and management of stocks

47. *Adoption and implementation of measures*. Delegations emphasized that conservation and management measures needed to be based on the best scientific evidence available and that regional fisheries management organizations and arrangements needed to promote marine scientific research to provide a solid basis for the adoption of management and conservation measures. It was noted that States and regional fisheries management organizations and arrangements did not always adopt conservation and management measures consistent with the best available scientific information on the state of the stocks and the provisions of the Agreement on the precautionary approach. It was suggested that strengthening the science-policy interface was a condition for overcoming the implementation deficit and had a direct impact on the performance of regional fisheries management organizations and arrangements.

48. Delegations highlighted the need for conservation and management measures to be implemented by all those active in a fishery. Some delegations urged States to implement the measures adopted by regional fisheries management organizations

and arrangements and stressed that many problems in fisheries were due to lack of implementation by States, rather than poor management by those organizations or arrangements. The difference between participating in negotiations of fisheries instruments and subsequent implementation at the national level was also noted. A number of delegations provided information on conservation and management measures adopted at the national level, including measures to implement the Agreement.

49. Particular concerns were expressed over the conservation and management of sharks. It was noted that only a small number States had adopted national plans of action for sharks as required by the FAO International Plan of Action for the Conservation and Management of Sharks.[14] States were urged to develop a national plan of action for shark fisheries, with particular attention to the identification and documentation of shark catches and trade. FAO was requested to convene a workshop to consider technical matters relating to a shark-fin rule, as recommended by the FAO Committee on Fisheries in 2009.

50. *Establishment of new regional fisheries management organizations and arrangements*. A number of delegations welcomed efforts to establish new regional fisheries management organizations and arrangements and urged the timely entry into force of the related constitutive instruments. The establishment of SPRFMO in a large area of the South Pacific was highlighted as a ground-breaking development. It was noted that a number of interim measures had been put in place, including data standards and reporting requirements and measures to close areas to bottom fishing, and that provisions in the SPRFMO Convention on compatibility of measures had been resolved in a way that was satisfactory to all States.

51. Some delegations cited SPRFMO as an example of how the Agreement could be applied to a regional context, and adapted and translated into workable arrangements that were amenable to both States parties and non-parties. One observer called for the adoption of similar interim measures by other regional fisheries management organizations and arrangements. It was acknowledged, however, that further efforts were needed, including with respect to interim measures for pelagic stocks, and the application of the precautionary and ecosystem approaches. Slow progress in the entry into force of the SPRFMO Convention was noted, as well as lack of implementation of the interim measures. States were urged to adhere strictly to the interim measures and the resumed Review Conference was encouraged to address the voluntary character of the measures, as well as the consensual nature of their procedure of adoption, which could achieve only the minimum common denominator acceptable to all States concerned. Revision of the interim measures on the basis of the existing scientific recommendations was also a priority.

52. Delegations welcomed progress in the negotiations for the adoption of a new regional fisheries arrangement in the North Pacific. It was noted that States involved in the negotiations to establish the new organization or arrangement had agreed that it would regulate fisheries that were not already under the purview of existing regional fisheries management organizations or arrangements, and that the area of geographic coverage would extend to the East Pacific. Discussions were ongoing on whether to apply the interim measures to the East Pacific.

[14] Available from www.fao.org/fishery/publications/en.

53. Several delegations stressed the need to fill in gaps in geographic coverage to ensure global coverage of regional fisheries management organizations and arrangements. Some observers highlighted, in particular, a 10-degree coverage gap between SPRFMO and the planned organization or arrangement in the North Pacific and warned that leaving the area open would attract vessels attempting to escape regulation, with potential consequences beyond the North Pacific area. It was suggested by some observers that States should prohibit fishing in areas where there were no conservation and management measures or cooperative arrangement in place, until such measures had been adopted. It was also stressed that regional fisheries management organizations and arrangements needed to cover all species that were being exploited in the geographic areas within their mandates. Some observers called for cooperative arrangements to be put into place to manage and conserve resources in the Arctic area, since climate change was rendering the area easier to exploit.

54. *Application of the precautionary and ecosystem approaches*. Delegations expressed satisfaction that the Agreement was widely accepted by States from all regions and that its principles, including the precautionary approach, were now generally accepted, including among States non-parties. The precautionary approach was recognized as one of the pillars of the Agreement, although its application had not been sufficient. Some delegations noted increased support for the application of the precautionary and ecosystem approaches, particularly by regional fisheries management organizations and arrangements with respect to the prevention of significant adverse impacts on vulnerable marine ecosystems. However, further efforts were needed to address the impact of fishing on non-target species and associated or dependent species, as provided in article 10, paragraph (d) of the Agreement, and to manage currently unregulated fisheries. Concern was also expressed over the impact of fishing on juveniles and the need for substantial improvements in the selectivity of fishing gear.

55. Delegations underscored the need for enhanced understanding of ecosystem approaches in order to incorporate these approaches into fisheries management. There was also a need for continued efforts to ensure that fisheries and other ecosystem data collection was performed in a coordinated and integrated manner. The need to take into account the interests of artisanal fishers in considering modern approaches to fisheries, such as the precautionary and ecosystems approaches, was also stressed, as well as area-based management tools. It was suggested that, in order to be compatible with the precautionary and ecosystem approaches, measures to prevent or eliminate overfishing of stocks covered by the Agreement should not adversely impact fish stocks that were protected in domestic waters.

56. Several delegations drew attention to the relationship between ecosystems, marine biodiversity and climate change and the need for further information on climate change, as well as the impact of land-based pollution on marine biodiversity. Specific reference was made to the vulnerability of some stocks to climate change and the need to further strengthen conservation and management measures in an integrated manner, and with systematic and harmonized approaches.

57. A number of delegations expressed support for the implementation of General Assembly resolutions 61/105 and 64/72 on the protection of vulnerable marine ecosystems from bottom fishing. States were urged to utilize the FAO International Guidelines for the Management of Deep-Sea Fisheries in the High Seas in

identifying vulnerable marine ecosystems, undertaking impact assessments, adopting conservation and management measures to prevent significant adverse impacts on these ecosystems, and not authorizing bottom fishing activities until such measures were adopted and implemented. Support was also expressed for the role of FAO in assisting States and regional fisheries management organizations and arrangements in the management of deep sea fisheries and the protection of vulnerable marine ecosystems, and for its work on the programme for deep sea fisheries in the high seas. A workshop on the implementation of the FAO Guidelines, held in Busan, Republic of Korea, in May 2010, was highlighted as a meaningful forum for identifying problems in implementing the Guidelines and discussing possible solutions. It was emphasized that regional fisheries management organizations and arrangements should respond to the commitments made by their members in global forums, such as the United Nations and FAO, and adopt and implement measures to collect data, conduct stock assessments and adopt measures to address the impact of fishing.

58. Some delegations suggested that the measures provided for in General Assembly resolution 61/105 in respect of bottom fisheries should be applied throughout the water column. Other delegations indicated that regional fisheries management organizations and arrangements should require an environmental impact assessment to be completed before allowing fishing to take place for any given stock. It was also suggested that fishing should not be allowed in areas where no conservation and management plan was in place.

59. *Achieving compatible measures*. Delegations emphasized the importance of achieving compatibility between measures adopted by coastal States and regional fisheries management organizations and arrangements for the long-term conservation and management of straddling fish stocks and highly migratory fish stocks, as such stocks could not be adequately managed on the high seas or within areas under national jurisdiction alone. Reference was made to the duty of flag States and coastal States to cooperate in relation to straddling fish stocks and highly migratory fish stocks, and to the principle of compatibility, as provided in the Convention and the Agreement. Reference was also made to the SPRFMO Convention, which included a provision on compatibility of measures that was consistent with article 7 of the Agreement.

60. States were urged to work together, and with regional fisheries management organizations and arrangements, to ensure the sustainable management of these resources throughout their geographical range. Several delegations emphasized the importance of ensuring that measures adopted by regional fisheries management organizations and arrangements were compatible with the measures adopted by coastal States. It was also essential that the measures adopted by regional fisheries management organizations and arrangements should not undermine the measures adopted by coastal States for the same stocks or replace the measures adopted by coastal States in the area under their jurisdiction. Delegations stressed that conservation of the resource and ensuring the biological integrity of the stocks should be the predominant interest of regional fisheries management organizations and arrangements in developing compatible measures. One observer noted that the measures adopted by the International Commission for the Conservation of Atlantic Tunas (ICCAT) automatically became part of the domestic legislation of some of its members.

61. The view was expressed that the interim measures adopted by SPRFMO were incompatible with measures of the coastal States concerned and were insufficient to protect the relevant species. It was explained that the interim measures had led to an overall increase in fishing effort and had the practical effect of undermining conservation and management measures adopted by the coastal States, to the detriment of the fishery.

62. *Development of area-based management tools*. Delegations were encouraged by actions taken by States and regional fisheries management organizations and arrangements to adopt area-based management tools for the management of fisheries, including closed areas with related measures on monitoring, control and surveillance, such as vessel monitoring systems and observer programmes, in order to promote compliance and enforcement. It was noted that marine protected areas, including marine reserves, could help to build marine ecosystem resilience and flexibility in the face of existing and emerging threats, including impacts of climate change and ocean acidification, by allowing ocean biodiversity in targeted areas to replenish and flourish.

63. States were urged to cooperate in the identification of marine areas in need of protection and exchange best practices, in particular, among developing countries through South-South cooperation, which would contribute to a wider implementation of the Agreement. Reference was also made to the need for measures to protect biodiversity and vulnerable marine ecosystems, as well as further efforts in regard to the recommendation adopted in 2006 on management tools.[15] The target in the Johannesburg Plan of Implementation of the World Summit on Sustainable Development to establish marine protected areas consistent with international law and based on scientific information, including representative networks by 2012, was also highlighted.

64. It was noted that efforts were being made in ICCAT and the Inter-American Tropical Tuna Commission (IATTC) to regulate certain fisheries, in particular swordfish, bigeye tuna and bluefin tuna fisheries, through time-area closures aimed at rebuilding those stocks. The view was expressed that, for some stocks, those measures had been more successful than the allocation of quotas.

65. *Management of fishing capacity and elimination of subsidies*. Delegations emphasized that the capacity of many of the world's fishing fleets continued to be too high, and well above levels commensurate with the sustainability of certain fish stocks. Further work was needed by States and regional fisheries management organizations and arrangements to give full effect to the recommendation adopted in 2006 on fishing capacity,[16] as well as the FAO International Plan of Action for the Management of Fishing Capacity. It was noted that excess capacity promoted illegal, unreported and unregulated fishing and unsustainable fishing practices by allowing more vessels into a fishery than could remain economically viable given certain catch or effort limits. There was thus a need for regional efforts to identify what level of fishing activity would support continued sustainable harvests. Attention was also drawn to the fact that a reduction in tonnage did not always result in a reduction of fishing effort, given the introduction of modern, often subsidized, vessels.

[15] A/CONF.210/2006/15, annex, para. 18 (e).

[16] Ibid., para. 18 (f).

66. Delegations highlighted the role of regional fisheries management organizations and arrangements in this regard and called for the adoption of multifaceted approaches to reduce excess fishing capacity, taking into account in particular the situation of developing countries. It was emphasized that excessive fishing capacity needed to be reduced in a transparent and equitable manner, and should not be detrimental to the capacity of developing States to participate in high seas fisheries, consistent with the Agreement, the FAO Code of Conduct for Responsible Fisheries and the FAO International Plan of Action for the Management of Fishing Capacity. It was suggested that effective fisheries management regimes at the national level, with appropriate regulation of investment, ownership, beneficial ownership and control of fishing vessels, as well as greater transparency in decision-making, could help to address overcapacity. Attention was also drawn to the need to address the issue of fishing capacity in a holistic manner, while adopting a balanced approach for better conservation and management of straddling fish stocks and highly migratory fish stocks.

67. The elimination of harmful fishing subsidies was identified as a condition for addressing fishing capacity. It was noted that progress to improve disciplines on fisheries subsidies could promote the sustainability of straddling fish stocks and highly migratory fish stocks, and support was expressed for the ongoing work in WTO to eliminate subsidies that contribute to illegal, unreported and unregulated fishing, overfishing and overcapacity. It was noted that certain subsidies could provide an effective tool in meeting the genuine aspirations of developing nations in terms of sustainable development, and the need for incentives, in addition to penalties, for sustainable development was emphasized. It was also suggested that special attention needed to be given to data-poor fisheries, in particular, fisheries for which sustainable allowable catch had not been determined or that did not have management plans, to ensure that subsidies did not lead to overfishing or overcapacity.

68. *Lost or abandoned fishing gear and discards*. Delegations highlighted the need for action to address the harmful effects of lost or discarded fishing gear on commercially valuable species and the marine environment, including additional cooperative efforts to establish mechanisms for the regular retrieval of derelict fishing gear. Concerns were also raised over the use of fish aggregating devices, especially devices that were not collected at the end of the fishing season, which resulted in a greater fishing effort that needed to be taken into account in the management of stocks. It was suggested that the work of FAO on discards should also be revitalized.

69. *Data collection and sharing of information*. Many delegations recognized that timely, complete and accurate fisheries data was critical to the conservation and management of straddling and highly migratory fish stocks. Delegations emphasized that conservation and management measures needed to be adopted on the basis of stock assessments and the best available scientific information in order to ensure long-term sustainability of fish stocks and non-target species, as well as to rebuild depleted stocks. It was stressed that assessments needed to be carried out to identify possible impacts on vulnerable marine ecosystems where they were likely to occur. Delegations also emphasized that data limitations should not be an excuse for the status quo, but rather should be a reason for strong precautionary approaches.

70. It was noted that performance reviews of regional fisheries management organizations and arrangements and the report of the Secretary-General had identified data accuracy, reporting and sharing as an area in need of considerable improvement. Efforts were being made in some organizations and arrangements, such as ICCAT and WCPFC, to address data gaps and assist developing countries in meeting their reporting obligations. However, delegations emphasized that the role of regional fisheries management organizations and arrangements in this regard needed to be implemented and strengthened, and that more needed to be done to ensure compliance with reporting obligations. For example, the view was expressed that regional fisheries management organizations and arrangements should implement species-specific data-collection requirements for shark species caught in either directed or incidental fisheries, conduct biological assessments and develop associated conservation and management measures for shark species. Some delegations emphasized the need for data sharing and called for the strengthening of scientific bodies in regional fisheries management organizations and arrangements to provide the data needed for decision-making by policymakers. The important role of the coastal State in providing accurate information was also highlighted.

71. Some delegations and observers noted that, although timely and accurate scientific data and information should be at the heart of the work of regional fisheries management organizations and arrangements, decisions often reflected political or short-term economic interests of member States that were disconnected from scientific evidence. It was noted that member States were ultimately responsible for these decisions and not the organizations and arrangements. The adoption of interim measures in SPRFMO was cited as an example of how measures that were not adopted in a timely manner or on the basis of sound scientific data could lead to the overexploitation of stocks, such as South Pacific jack mackerel. It was suggested that non-reporting of fisheries data should constitute non-compliance in regional fisheries management organizations and arrangements, and that special consideration be given to the implementation of article 14 of the Agreement on the collection and provision of information and cooperation in scientific research. Several delegations also highlighted the role of observer programmes in the collection of data.

72. The role of small-scale and artisanal fishers in fisheries and the lack of reliable estimates of related catch and effort data were also noted. It was suggested that, in the absence of timely and reliable data, States and regional fisheries management organizations and arrangements needed to assess how traditional knowledge of small-scale artisanal fishing communities could be applied to sustainable fisheries conservation, management and development, in line with the 1995 FAO Code of Conduct for Responsible Fisheries. It was noted that non-reporting, underreporting or untimely reporting of tuna fishing in the Indian Ocean, which was largely carried out by artisanal fishers, had an adverse impact on the members of the Indian Ocean Tuna Commission (IOTC) who needed to rely on the best scientific data and information available.

(b) Review of the implementation of the recommendations relating to mechanisms for international cooperation and non-members

73. *Strengthening mandates and measures in regional fisheries management organizations and arrangements*. Delegations recalled that regional fisheries management organizations and arrangements were the key mechanism through

which States were expected to fulfil their obligations under the Agreement. It was noted that considerable efforts had been made to ensure that those organizations and arrangements were equipped with the necessary tools to fulfil their responsibilities under the Convention and the Agreement, including as a result of the recommendations adopted by the Review Conference in 2006. Progress had also been made in developing best practices for those organizations and arrangements and in reviewing their performance against emerging standards. Since most of them had been established before the entry into force of the Agreement, modernizing their constitutive instruments, mandates and practices to implement the principles in the Agreement was considered a priority. Some delegations of States non-parties expressed the view that it was also important to consider the need to modernize the Agreement.

74. Many delegations highlighted the need for improvements in regional fisheries management organizations and arrangements in terms of the effectiveness of management measures, transparency in decision-making processes and compliance with agreed measures. Some delegations recalled that a number of regional fisheries management organizations and arrangements had undertaken a process to strengthen their mandates and expand their scope. However, basic reform was still needed in some organizations and arrangements to fulfil the range of functions in articles 10 to 12 of the Agreement. The importance of member States agreeing on catch allocations was also emphasized. It was noted, however, that any expansion of mandates or increase in the duties and responsibilities of regional fisheries management organizations and arrangements should not be to the detriment of States whose fisheries were still being developed. Particular concerns were raised over any decision to freeze allocations, which would perpetuate a situation of inequality in favour of the traditional fishing States.

75. Some delegations emphasized that regional fisheries management organizations and arrangements were only as effective as their member States allowed them to be and that there was a need for political will to ensure they adopted and implemented equitable, science-based and enforceable conservation and management measures. Delegations also stressed the need for regional fisheries management organizations and arrangements to take management action to prevent further declines in the status of key fish stocks and to ensure that short-term economic interests did not outweigh the long-term sustainability of fishery resources. It was particularly important for conservation and management measures to be based on the best available scientific advice. Concern was expressed over the failure of some regional fisheries management organizations and arrangements to adopt measures that took into account the best scientific information available, adopt precautionary measures in data-poor situations or revise measures in light of further scientific advice. In that regard, it was unacceptable for regional fisheries management organizations and arrangements to disregard scientific advice for reasons of political expediency or to accommodate new entrants to the fisheries, as to do so would undermine their credibility and, ultimately, the Agreement itself.

76. *Performance reviews and best practice guidelines*. Several delegations welcomed the performance reviews that had been conducted to date and those being planned for other organizations. Delegations were encouraged by the performance reviews that had incorporated the elements recommended by the Review Conference in 2006, including independent evaluation and the use of transparent criteria. It was generally recognized that performance reviews had been useful, particularly when

they had led to the adoption of new measures such as the catch documentation scheme in the Commission for the Conservation of Southern Bluefin Tuna (CCSBT) or the measures to protect seabirds and certain fish stocks, including sharks, in IOTC. Improvements had also been made in ICCAT, although some issues with regard to data remained to be resolved.

77. Delegations encouraged regional fisheries management organizations and arrangements that had not already done so to undertake performance reviews. As indicated in the report of the Secretary-General, the performance of many organizations and arrangements needed to be improved, and further efforts were needed to implement the recommendations of performance reviews already completed. It was emphasized that performance reviews with external participation were preferable to purely internal reviews. In that respect, some delegations suggested the need to consider the criteria for performance reviews. As to the implementation of recommendations from a performance review, the view was expressed that it should be the exclusive prerogative of the governing bodies of the relevant organization or arrangement. In that connection, transparency of the review process was stressed. It was suggested that the balance achieved by the Review Conference in 2006 in terms of external involvement in the performance review process should not be reopened.

78. *Strengthening and enhancing cooperation among regional fisheries management organizations and arrangements*. Delegations welcomed progress in strengthening cooperation and coordination among regional fisheries management organizations and arrangements since the Review Conference in 2006, including through research programmes, shared vessel lists, cross-certification observer programmes and formal arrangements, such as memorandums of understanding. Delegations highlighted the importance of increasing information-sharing on key issues such as gaps in science, as well as the advantages of cooperating to prevent the landing of fish from ships on illegal, unreported and unregulated vessel lists. A number of delegations called for greater levels of cooperation and communication among regional fisheries management organizations and arrangements in that regard.

79. Delegations indicated that it was extremely important to enhance communication and cooperation among regional fisheries management organizations and arrangements, while at the same time ensuring that each organization or arrangement operated independently. The benefits of sharing best practices were highlighted, for example, in the implementation of measures to protect vulnerable marine ecosystems from significant adverse impacts pursuant to General Assembly resolution 61/105. It was noted, however, that best practices had to reflect the specific environmental conditions and local characteristics of each organization or arrangement.

80. Several delegations welcomed the Kobe process, which had begun with a meeting of the five tuna regional fisheries management organizations in Kobe, Japan in 2007. It was explained that those organizations had been cooperating to harmonize catch documents and vessel registries, combat illegal, unreported and unregulated fishing, coordinate observer programmes for trans-shipment and provide relevant information through a common website (www.tuna-org.org). A number of workshops had also been planned relating to best practices in terms of scientific advice, monitoring, control and surveillance, by-catch, and management of tuna fisheries.

81. It was suggested that since the Kobe process had proven successful in coordinating the work of the tuna regional fisheries management organizations, a

similar coordination initiative should be explored for non-tuna organizations and arrangements. The view was also expressed that the Kobe process could not exist in isolation and should consider interacting with other multilateral forums.

82. *Participation in regional fisheries management organizations and arrangements*. Delegations emphasized that cooperation between members and non-members of regional fisheries management organizations and arrangements was essential in order to ensure that conservation and management measures were effective. Accordingly, States were encouraged to become parties to regional fisheries management organizations and arrangements or to apply the measures adopted by them in the areas in which they fished. Reference was made in this regard to the duty of States to either cooperate in the management of straddling fish stocks and highly migratory fish stocks, or not engage in high-seas fishing for such stocks.

83. Some delegations also called upon regional fisheries management organizations and arrangements to ensure that all States with a real interest in the fisheries concerned could become members of the organization or participants in the arrangement, as long as they could demonstrate their willingness and ability to participate constructively and comply with relevant measures. It was suggested that, even though current members might have legitimate concerns relating to access to the fisheries by new members, restrictive membership rules that were often applied through consensus-based procedures would lead to an increase in illegal, unreported and unregulated fishing.

84. It was noted that a number of regional fisheries management organizations and arrangements had established mechanisms to promote the adherence of non-members to conservation and management measures and monitoring, control and surveillance and data-collection programmes, in exchange for fishing opportunities in the convention area. The view was expressed that non-members wanting to obtain status of cooperating non-members should undertake commitments that were commensurate with the benefits they received. In addition, regional fisheries management organizations and arrangements should require a consistent record of compliance with adopted measures and consistent contributions to the organization, including in the provision of data. It was also stressed that the status of cooperating non-member should not be indefinite, but should serve as a stepping stone to full membership where possible.

85. With regard to allocations, it was noted that article 10 of the Agreement did not establish criteria for the allocation of fishing quotas, and delegations called for transparency and fairness in the development of allocation criteria. The SPRFMO Convention was cited as a successful example of a balanced and accurate methodology for quota allocations through the consideration of criteria, without giving priority to historic catches, which would otherwise discriminate against new members and participants in contravention of the freedom of fishing on the high seas. It was pointed out, however, that freedom of fishing on the high seas was not an unqualified freedom and that one of the main objectives of the Agreement was to limit it. The view was expressed that the Agreement limited participation in regional fisheries management organizations and arrangements to States having a real interest in the fisheries concerned, namely, coastal States in whose exclusive economic zone the stock was located or States that had been fishing for a stock in the relevant convention area. It was further indicated that newcomers without a real interest in the fisheries should not have fishing rights over stocks that were fully

exploited. Other delegations suggested that there were difficulties in applying the term "real interest" if it restricted the access of some States to the fishery resource, in particular, developing States that did not have a prior history of long-distance fishing.

86. *Decision-making rules and procedures in regional fisheries management organizations and arrangements*. Delegations welcomed progress that had been made in the negotiation of the SPRFMO Convention and in the review of the mandates of some regional fisheries management organizations, such as NAFO, to constrain the ability of members to opt out of measures. It was suggested that, where such actions were still possible, States should be required to provide a written explanation and specify the alternative measures that they intended to implement.

87. Some delegations called for improvements in transparency and accountability in the decision-making processes of regional fisheries management organizations and arrangements. It was noted that advances had been made in providing for transparency in their work and decisions in recent years, but opportunities for participation by intergovernmental organizations or non-governmental organizations remained limited or unduly burdensome in some cases. It was noted that participation by those types of organizations provided important expertise and stakeholder input for the work of regional fisheries management organizations and arrangements and that further efforts should be made to modernize and streamline procedures to provide for meaningful participation by those organizations in all meetings of regional fisheries management organizations and arrangements and their subsidiary bodies.

(c) Review of the implementation of the recommendations relating to monitoring, control and surveillance and compliance and enforcement

88. *Strengthening effective control over activities of vessels*. Delegations highlighted the need to improve flag State performance, including as part of broader efforts to enhance the monitoring, control and surveillance of fishing vessels on the high seas. Some delegations emphasized that the legal framework for flag State control was already in place and that implementation should be the focus of current efforts. It was noted in this regard that the Agreement outlined the responsibilities for flag States in a detailed fashion, beyond what was set out in the Convention.

89. Some delegations provided information on actions they had taken at national and regional levels to strengthen effective control over vessels flying their flag or to combat illegal, unreported and unregulated fishing. Such measures included adoption of national plans of action, licensing regimes and procedures, catch documentation schemes, boarding and inspection procedures and satellite surveillance or vessel monitoring systems. For example, for one flag State, fishing licences were granted on an annual basis and only if a vessel had fishing rights in a regional fisheries management organization or arrangement of which it was a member or participant. In another case, a scientific observer was present on all authorized tuna fishing vessels of the flag State, in order to ensure compliance with relevant rules. Other delegations highlighted the development of a regional agreement on fisheries surveillance and enforcement and a regional monitoring, control and surveillance strategy to combat illegal, unreported and unregulated fishing in the South Pacific, as well as the development of a binding fishing vessels registry in the Central American region.

90. Delegations emphasized that these types of measures could assist flag States in fulfilling their responsibilities and strengthen effective control over their vessels. States were encouraged to establish observer programmes and vessel monitoring system requirements for both domestic and foreign vessels. Vessel day schemes were also proposed as a practical and creative approach to improve transparency. It was indicated that comprehensive coverage of a centralized tamper-proof vessel monitoring system was essential for compliance and enforcement. It was suggested that banks, insurers and resuppliers and other providers of services should be discouraged, through domestic legislation, from dealing with illegal, unreported and unregulated fishing vessels. States were also reminded not to ignore the actions of their nationals fishing under the flags of other States, as in many cases, nationals of major fishing States used vessels flagged to other States to avoid responsibilities.

91. Several delegations emphasized that sharing monitoring, control and surveillance information was of critical importance to strengthen effective control over vessels and prevent illegal, unreported and unregulated fishing. It was explained that, as fishing fleets were highly mobile, the information relating to such vessels also needed to be highly mobile. Global exchange of information therefore needed to be strengthened and the speed at which information was exchanged needed to be improved. Reference was made to a practical example on how the sharing of such information was effective in preventing the landing of fish from a vessel engaged in illegal, unreported or unregulated fishing.

92. A number of delegations indicated that improved understanding of the international aspects of illegal, unreported and unregulated fishing would be beneficial, especially for developing States, which were responsible for carrying out monitoring, control and surveillance over vast areas of their exclusive economic zones with limited resources. It was also stressed that some regional fisheries management organizations and arrangements lacked the capacity to sufficiently strengthen control over vessels within their geographical area of competence. In this regard, it was noted that an increase in illegal, unreported and unregulated fishing had been observed in areas of the Indian Ocean, which called for stricter flag State responsibility. Delegations stressed that capacity-building was needed to allow for continuation or full implementation of programmes or effective operationalization of bilateral or regional initiatives.

93. *Assessment of flag State performance*. Delegations emphasized that flag State control over their fishing and fishing-related vessels was critical for the responsible use of the oceans. It was generally felt that flag States needed to do more to live up to their obligations under the Convention and the Agreement, as well as other relevant international instruments, to ensure that vessels flying their flags were complying with multilateral conservation and management measures and that swift and effective enforcement action was taken when they did not. Delegations were also reminded of the need to consider the behaviour of their nationals in assessing flag State performance, in particular, the practice of vessel owners from developed States changing the flag State of their vessels in order to engage in illegal, unreported and unregulated fishing in various parts of the world.

94. Some delegations supported the development of a new instrument on flag State performance, to be prepared following expert and technical consultations. Other delegations, however, expressed the view that the problem with flag State performance related to lack of implementation and questioned the usefulness of a

new legal instrument on flag State responsibility. One delegation suggested that non-flag States and port States could take action to fill the enforcement gap. The view was expressed that if a flag State was unwilling or unable to take action against vessels flying its flag, then it could not be considered a flag State and coastal States should be allowed to intervene directly. It was also suggested that the Review Conference should recommend a departure from exclusive flag State jurisdiction.

95. Many delegations expressed support for the work of FAO to develop globally accepted criteria for assessing the performance of flag States and consideration of actions against non-compliant vessels and States that consistently failed to control their vessels. It was also recalled that an expert workshop in Canada had agreed that improving flag State performance was fundamental to combating illegal, unreported and unregulated fishing, as well as addressing overfishing generally and improving global fisheries management. An accompanying guidance document outlined possible criteria for the assessment of flag State responsibilities, considerations for assessment processes and potential actions against States and vessels not meeting their responsibilities.

96. Delegations expressed regret that the work of FAO in that regard had been delayed. It was hoped that the FAO process would regain momentum. States were urged to fulfil their pledges and provide FAO with the financial contributions necessary for future activities. Delegations also urged ongoing collaboration between FAO and the International Maritime Organization (IMO) on issues relating to combating illegal, unreported and unregulated fishing, and the development of a global record of fishing vessels, including unique vessel identifiers.

97. *Adoption of port State measures*. Many delegations welcomed the adoption of the Agreement on Port State Measures in 2009 as a major development in combating illegal, unreported and unregulated fishing. Delegations emphasized that the new instrument would reduce the economic benefits from illegal, unreported and unregulated fishing and help ensure that only legally caught fish were landed, trans-shipped, packaged and processed. It was noted that the new instrument included an overall ban on the provision of services to vessels engaged in illegal, unreported and unregulated fishing, which highlighted the importance of the lists of such vessels established by regional fisheries management organizations and arrangements. Several delegations expressed support for the new instrument in the light of the assurance that the burden of combating illegal, unreported and unregulated fishing did not fall solely on some States, in particular small island developing States.

98. Many delegations called for the ratification of the Agreement on Port State Measures and emphasized that wide ratification and proper implementation of the instrument, at local and regional levels, would provide an effective tool against illegal, unreported and unregulated fishing. Some delegations indicated that they had initiated internal processes to become parties to the new instrument. Regional fisheries management organizations and arrangements were requested to encourage their members to ratify the instrument and work towards adopting port State measures consistent with the new instrument, as IOTC and ICCAT had done. It was also suggested that FAO take steps to ensure proper implementation of the Agreement on Port State Measures.

99. More generally, delegations emphasized the importance of port States measures in addressing illegal, unreported and unregulated fishing and ensuring good governance in the conservation and management of straddling fish stocks and highly migratory fish stocks. These delegations pointed out that the expeditious adoption of port State measures consistent with the Agreement on Port State Measures constituted an important aspect of enhancing enforcement and fostering compliance. Delegations also stressed that port and market measures were effective ways to control the practice of shark finning.

100. *Strengthening compliance and enforcement schemes in regional fisheries management organizations and arrangements*. Delegations welcomed efforts made by regional fisheries management organizations and arrangements to encourage compliance with their conservation and management measures and address fishing activities of members and non-members that undermined the effectiveness of those measures, including through the establishment of lists of vessels engaged in illegal, unreported and unregulated fishing, non-discriminatory trade measures, catch documentation or trade documentation schemes, measures to regulate trans-shipment and port State measures. It was emphasized that such measures provided critical tools for improving compliance with conservation and management measures and for collecting and verifying catch and effort data.

101. A number of delegations noted, however, that despite the adoption of such measures, lack of compliance was reported by regional fisheries management organizations and arrangements as the single largest impediment to the successful conservation and management of fish stocks. In fact, shortcomings in compliance with agreed conservation and management measures had been identified as a key cross-cutting theme in the results of the performance reviews of regional fisheries management organizations. Several delegations pointed out that primary responsibility for compliance with conservation and management measures rested with individual States, acting through regional fisheries management organizations and arrangements. Delegations also underscored the difficulties encountered by developing States in carrying out enforcement activities, including the implementation of shiprider agreements.

102. Several delegations urged regional fisheries management organizations and arrangements to make further efforts to strengthen compliance and enforcement schemes, including by coordinating their measures and exchanging monitoring, control and surveillance information, in particular on vessels engaged in illegal, unreported and unregulated fishing. The importance of ensuring the effective implementation of such measures was also emphasized, as vessels engaged in illegal, unreported and unregulated fishing often moved to areas where implementation was less strict. Delegations highlighted, in particular, the need for regional fisheries management organizations and arrangements to recognize illegal, unreported and unregulated vessel lists between regions. Reference was also made to the need for those organizations and arrangements to develop incentives and disincentives to ensure compliance with conservation and management measures.

103. It was noted that comprehensive independent observer coverage on board all large-scale fishing vessels, coupled with enhanced international boarding and inspection schemes, were essential measures for compliance and enforcement. The importance of a harmonized catch documentation scheme that could distinguish between authorized and unauthorized catch was also emphasized.

104. Information was provided by regional fisheries management organizations on measures they had taken to improve compliance and enforcement schemes. ICCAT required contracting parties to report on their compliance with conservation and management measures, and had addressed letters to contracting parties that did not comply with decisions. The number of vessels engaged in illegal, unreported and unregulated fishing in the ICCAT Convention area had decreased from 500 to fewer than 10. WCPFC reported that it had adopted a boarding and inspection scheme in application of articles 21 and 22 of the Agreement, and that 28 high-seas boardings and inspections had taken place in the previous 12 months. Some delegations also provided information on a project carried out by the European Union and the Indian Ocean Commission to ensure fisheries surveillance in the western Indian Ocean.

105. *Alternative mechanisms for compliance and enforcement in regional fisheries management organizations and arrangements*. Some delegations suggested that alternative systems of surveillance and monitoring should be considered for boarding and inspection. It was emphasized, in particular, that 100 per cent observer coverage could be more effective, as vessels were boarded before they were put to sea and observers could ensure compliance and also collect statistical information. Other delegations stressed, however, that high-seas boarding and inspection of vessels was one of the important tools to improve compliance with conservation and management measures. In that connection, a number of delegations highlighted the work of WCPFC and SPRFMO as positive examples of how articles 21 and 22 of the Agreement could be incorporated into new treaties and implemented regionally to the satisfaction of both member and non-member States. Delegations stressed that alternative mechanisms should not replace existing mechanisms of enforcement in regional fisheries management organizations and arrangements, but rather complement such mechanisms. The importance of observer programmes and the use of data in investigations was also emphasized.

106. *Regulation of trans-shipment, supply and refuelling vessels*. A number of delegations expressed concern over the trans-shipment of catch on the high seas and acknowledged difficulties in monitoring activities in those areas. Delegations recommended that trans-shipment should only occur in designated ports in order to allow more reliable monitoring and data on catches. In recognition of those difficulties, regional fisheries management organizations and arrangements have adopted or strengthened measures on trans-shipment, including by placing observers on vessels. Delegations noted that, in an increasingly global economy, regulating trans-shipment was a critical tool in combating illegal, unreported and unregulated fishing, collecting and verifying data and ensuring compliance with agreed measures. The role of flag States in ensuring greater compliance with trans-shipment rules was underlined. Jurisdictional issues in regard to the handling of both trade and trans-shipment matters by national fishing authorities were also highlighted.

107. *Market-related measures*. Several delegations emphasized the need for regional fisheries management organizations and arrangements to strengthen control measures throughout the whole market chain, including through the adoption of catch documentation schemes. The benefits of catch documentation schemes were highlighted; they had proven to be particularly effective in preventing the entry of catches from illegal, unreported and unregulated fishing for over 10 years, especially in States with very large markets. One delegation stressed the need for port States and fishing States to cooperate to discourage illegal, unreported and unregulated fishing, which gained access to markets through port landings. A

number of delegations recommended that labelling and consumer awareness programmes should be encouraged to reduce illegal, unreported and unregulated fishing. The view was also expressed that such measures should only be adopted in compliance with WTO rules.

108. *International Monitoring, Control and Surveillance Network.* A number of delegations referred to the work of the International Monitoring, Control and Surveillance Network and its role in strengthening high-seas fisheries governance. It was noted that the Network was completing a three-year enhancement project designed to provide additional services to its members, including the collection and dissemination of fisheries and monitoring, control and surveillance information, the development of analytical capabilities and the development and provision of training. The role of the Network in capacity-building and information exchange was also highlighted. Delegations encouraged States to join the Network and to provide permanent or long-term funding for its operations.

109. *Global record of fishing vessels.* Delegations expressed support for the work of FAO in the development of a comprehensive global register of fishing vessels and stated that the establishment of such a register would greatly enhance efforts to combat illegal, unreported and unregulated fishing. It was also noted that some tuna regional fisheries management organizations were considering similar registers with unique vessel identifiers or IMO numbers. The role of the Network in the development of a global record of fishing vessels was also highlighted.

110. A number of delegations encouraged FAO and IMO to collaborate in the development of a global record of fishing vessels with unique identifiers to help track illegal, unreported and unregulated fishing vessels. It was noted that the FAO Committee on Fisheries had expressed concern that work to establish a global record of fishing vessels might be endangered by a lack of funds.

(d) Review of the implementation of the recommendations relating to developing States and non-parties

111. *Promotion of wider participation in the Agreement.* Delegations noted that 20 States had become parties to the Agreement since the Review Conference in 2006, bringing the total number of States parties to 77, including the European Union, which demonstrated the growing global acceptance of the Agreement and its importance to achieving sustainable fisheries globally. Many delegations noted that some non-parties had indicated their willingness to apply the principles of the Agreement and had also considered becoming parties to the Agreement. Some delegations also shared their experience in becoming parties to the Agreement.

112. Delegations expressed support for the continuing dialogue to promote wider participation in the Agreement, held in the context of the informal consultations. It was noted that the continuing dialogue in 2009 had stressed the importance of capacity-building and its potential role in promoting wider participation in the Agreement, the importance of the Agreement as a norm-setting instrument and the need to increase participation in the Agreement in order to achieve universality. The view was also expressed that the Agreement played more of a supplementary role to the work of regional fisheries management organizations and arrangements. Delegations hoped that further dialogue would be useful in increasing understanding of the Agreement and the various perspectives that affected wider participation in it. It was suggested that perceptions to the effect that the Agreement benefited coastal

States more than distant water fishing States had changed in light of its current ratification status.

113. Delegations also called for more focused attention and discussions on the issue of fishing quotas and capacity for developing States who sought larger economic benefits from the development of their domestic fishing industries. It was noted that the Agreement was a package that included rights and obligations and took into account the special needs of developing countries. Delegations suggested that promoting the participation of developing countries in the Agreement could be achieved by demonstrating the benefits from such participation. It was also suggested that implementation of the Agreement in its totality should not affect the rights of developing countries with respect to such issues as overcapacity and overexploitation.

114. *Enhancing the participation of developing States in regional fisheries management organizations and arrangements*. A number of delegations emphasized the need to help developing States participate in the work of relevant regional fisheries management organizations and arrangements. For example, it was noted that lack of participation by developing States in the scientific committees of those organizations and arrangements resulted in the lack of comprehensive scientific data and information. It was suggested that a distinction should be made in regional fisheries management organizations and arrangements between developed and developing States. Other delegations noted, however, that provisions aimed at assisting developing States were benefiting nationals of developed States.

115. Some delegations highlighted financial limitations that could impede the full participation of developing countries in regional fisheries management organizations and arrangements, and called attention to the difficulties experienced by such States in attempting to participate in the work of all 18 existing organizations and arrangements. It was suggested that a performance review of regional fisheries management organizations and arrangements should be conducted to enable all countries to be informed of the performance of those organizations or arrangements, particularly in the light of the continuing decline of fish stocks.

116. Some delegations emphasized that fair allocation criteria were critical to wider participation by States with emerging fisheries in regional fisheries management organizations and arrangements and in the Agreement. These delegations viewed fisheries in the context of sustainable development and emphasized the importance of article 24 (2) of the Agreement and the need to ensure access to fisheries by subsistence, small-scale and artisanal fishers and women fishworkers, as well as indigenous people in developing States, particularly small island developing States.

117. *Cooperation with and assistance to developing States*. Several delegations emphasized the need for capacity-building and assistance to developing States as key elements for the effective implementation of the Agreement. In that regard, delegations recalled that in 2006 the Review Conference had recommended focused assistance to enable developing States to implement the Agreement, particularly in the areas of science, data collection and reporting, monitoring, control and surveillance programme development, port State control, fisheries management and governance structures and regulatory mechanisms improvement. Several delegations also referred to development interventions aimed at facilitating the implementation of the Agreement by developing States, as well as partnerships for the development of fisheries governance and capacity-building.

118. Delegations noted that increased emphasis should be given to strengthening the capacity of developing States to conserve and manage their own fish stocks and to assisting their participation in high-seas fisheries. It was noted that, despite mounting scientific advice to decrease catches, efforts should be made to ensure that developing countries benefited from these fisheries. There was a need to discuss how to achieve sustainable fisheries in an equitable manner. The view was expressed that the need to combat overfishing and overcapacity should not adversely affect the rights of developing States to advance their participation in high-seas fisheries, as recognized by the Review Conference in 2006. Yet another view was expressed that more attention to the needs of developing States would increase stability and efficiency in the management of fisheries by regional fisheries management organizations and arrangements.

119. Several delegations attached great importance to the balanced application of the Agreement and emphasized that Part VII of the Agreement should be given the same weight as other parts. The view was expressed that the operationalization of articles 24, 25 and 26 of the Agreement should be carried out in an integrated manner at both the global and regional levels. In that regard, it was suggested that reporting, monitoring of progress and overall direction could be carried out at the global level, and regional fisheries management organizations and arrangements could play a significant role in assessing the extent of recognition of the special requirements of developing States.

120. Several delegations indicated that article 25 of the Agreement had not been effective and stressed that, despite efforts by developed States, there was a need for coherent, sustained and transformative implementation of its provisions in terms of results. Some delegations emphasized in that regard that developing States received only a fraction of the proceeds from tuna fisheries, although fisheries remained the primary development pathway for many developing States. For that reason, small island developing States were extremely concerned about the current state of fisheries and were calling for more effective governance to ensure more equitable management of these living resources, including management transparency and improved information-sharing. Delegations also highlighted the need to explore the relationships between the Mauritius Strategy for the Further Implementation of the Programme of Action for the Sustainable Development of Small Island Developing States and the Millennium Development Goals.

121. *Capacity-building needs of developing States*. A number of delegations highlighted specific capacity-building and training needs of developing States, particularly in the areas of data collection and integration of databases, monitoring, control and surveillance tools and measures to combat illegal, unreported and unregulated fishing. The need for scientific and technical assistance with regard to scientific data was also emphasized.

122. Several delegations recalled with appreciation the compilation prepared by the Secretariat in 2009 on sources of assistance available to developing States to increase their capacity in the conservation and management of straddling fish stocks and highly migratory fish stocks.[17] It was suggested that the compilation was a valuable tool that offered insights into the areas where assistance was available and areas where more focused effort was needed, which could also be useful in

[17] ICSP8/UNFSA/INF.4/Rev.

promoting policy coherence in the provision of assistance and cooperation. Some delegations requested that the compilation be kept available and up to date by the Secretariat.

123. *Capacity-building mechanisms and programmes, including the Part VII Assistance Fund.* Several delegations highlighted the important role of the Part VII Assistance Fund. It had helped developing States parties take advantage of concrete opportunities for technical training and assistance and human resources development in the conservation and management of fish stocks, for example by supporting work to develop a Pacific Islands regional shark plan and scientific and technical workshops on tuna management in the South Pacific region. Delegations noted with satisfaction that approximately $500,000 had been donated to the Fund since the Review Conference in 2006. It was also noted as a positive development that the Fund had been used more recently for capacity-building initiatives; supporting negotiations for new regional fisheries management organizations and arrangements and the strengthening of existing ones; human resource development; and technical training and assistance. States that were in a position to do so were requested to make further contributions, as the balance of the Fund was nearly depleted.

124. A number of delegations noted that the Fund could be used to facilitate participation of developing States parties in meetings, but also to increase linkages that might be made by developing States in various forums at international and regional levels. It was suggested that further efforts were needed to promote the coherence of funding to developing coastal States and small island developing States in order to support their development aspirations, including with respect to assistance for training in monitoring, control and surveillance and other forms of technical assistance.

125. Delegations noted that other vehicles existed to assist developing States in the management of straddling fish stocks and highly migratory fish stocks, including funds established by regional fisheries management organizations and arrangements, international financial institutions and FAO. It was emphasized that further assistance was needed, in certain areas, particularly scientific data collection, monitoring, control and surveillance programme development, fisheries management and governance structures, enhancing the development of domestic fisheries and markets and improving regulatory mechanisms.

126. It was noted that increasing reliance had been made on international organizations contributing to trust funds and projects as an efficient way to promote capacity-building for developing States. It was also suggested that regional fisheries management organizations and arrangements could play an important role in that regard. The view was expressed that those organizations and arrangements should have funds available to assist developing States directly, as WCPFC and the South East Atlantic Fisheries Organization (SEAFO) already did, as recommended in the Chatham House report on best practices (www.chathamhouse.org.uk/files/9710_rfmo0807.pdf). ICCAT noted that contributions made by several States to its trust fund had facilitated the organization of regional workshops, training of technicians and improvement of data-collection systems.

2. Proposed means of further strengthening, if necessary, the substance and methods of implementation of the provisions of the Agreement

127. The President invited delegations to consider the third framework question in the organization of work, namely: What means could be proposed to further strengthen the substance and methods of implementation of the Agreement? The President noted that the recommendations adopted at the Review Conference in 2006, some of which had not been fully implemented, remained valid and would continue to exist. Based on their review of those recommendations during the resumed Review Conference, delegations would have an opportunity to propose additional recommendations to further strengthen the implementation of the provisions of the Agreement.

128. Many delegations emphasized that the Agreement remained the most appropriate framework, and provided the necessary tools, for the long-term conservation and sustainable management of straddling fish stocks and highly migratory fish stocks. Regional fisheries management organizations and arrangements played a pivotal role in the conservation and management of straddling fish stocks and highly migratory fish stocks and were a major tool in promoting international cooperation. It was emphasized that those organizations or arrangements were only as strong as the actions of their members.

129. Delegations called upon States to improve scientific knowledge in respect of straddling fish stocks and highly migratory fish stocks, including by completing biological assessments and updating statistical data banks. It was recommended that regional fisheries management organizations and arrangements be called upon to promote scientific research, in particular, to determine the allowable catch of straddling fish stocks and highly migratory fish stocks, and encourage the implementation of measures concerning reproduction, including areas for reproduction and minimum size for captures. It was also necessary to reduce the gap between scientific recommendations and the measures ultimately adopted in regional fisheries management organizations and arrangements.

130. Many delegations recalled the importance of providing regional fisheries management organizations and arrangements with timely and accurate data and the need for those organizations and arrangements to provide incentives in that regard. Reference was made to the interim measures of SPRFMO, which enabled it to request States to provide accurate data, including during the period before the adoption of the treaty. It was recommended that regional fisheries management organizations and arrangements strengthen requirements for data reporting and consider any failure or delay in reporting as a type of non-compliance, with the possibility of sanctions. It was also recommended that fisheries data be collected by FAO.

131. Many delegations emphasized the need to address current global fishing overcapacity and recommended that excess fishing capacity be reduced in a transparent and equitable manner, so that it was commensurate with available fishing opportunities, while ensuring the rights of developing States to participate in high-seas fisheries. The initiation of capacity assessments, target levels of capacity and capacity management plans was also proposed. Several observers called for States to avoid the use of subsidies that promoted overfishing, overcapacity and illegal, unreported and unregulated fishing. It was also suggested that flag State control measures be considered in regard to subsidies.

132. Several delegations highlighted the need for continued commitment to the precautionary and ecosystem approaches. It was stressed that lack of science or data did not constitute a reason for States or regional fisheries management organizations and arrangements to fail to act. Several delegations recognized that conservation measures could be achieved through integrated and harmonized packages. With regard to the precautionary approach, it was proposed that States and regional fisheries management organizations and arrangements be called upon to determine, on the basis of the best scientific information available, stock-specific reference points and the action to be taken if those points were exceeded.

133. Delegations also emphasized the need for ecosystem approaches to be incorporated into fisheries management effectively, while work continued to understand those approaches. Some delegations suggested giving effect to article 5 (d) of the Agreement, which provides for assessment of the impacts of fishing, other human activities and environmental factors on target stocks and species belonging to the same ecosystem or associated with or dependent upon the target stocks. Particular reference was made to the need to assess the impacts of pollution on such target stocks and species. Reference was also made to the impact of ocean noise pollution on target stocks and associated species, and one observer suggested that this issue should be dealt with in the context of the annual resolution of the General Assembly on sustainable fisheries. A study on the socio-economic impacts of ocean noise pollution on fishing catch rates was also proposed.

134. It was recommended that States and regional fisheries management organizations and arrangements strengthen implementation of the ecosystem approach by applying risk assessment tools and conducting stock assessments to conserve and manage associated and dependent species and vulnerable habitats. The importance of management measures for unregulated directed fisheries, and for species caught as by-catch but commercially traded, was also emphasized. Concern was voiced over the problem of discards and support was expressed for the processes in FAO to address the issue. Delegations emphasized the need to improve the selectivity of fishing gear and reduce catches of juveniles, and to enhance monitoring systems, in particular the coverage of independent observers.

135. Several delegations supported the use of environmental impact assessments, where appropriate, to ascertain the cumulative impacts of all activities, including fishing, as well as the establishment of globally representative networks of marine protected areas. Delegations pointed out that marine protected areas should be established on the basis of sound scientific advice, as part of overall strategies to ensure the productivity and sustainable use of fish stocks. It was also proposed that high-seas pocket closures should be recognized as a valuable tool in relation to area-based management and achievement of conservation measures. The view was also expressed against the use of prior assessments for all fisheries. It was suggested that area-based management tools should be used on a case-by-case basis.

136. A number of delegations stressed the importance of measures to protect vulnerable marine ecosystems. Measures of that nature were cited as a good example of how science and management could interact successfully. One observer suggested that regional fisheries management organizations and arrangements should prohibit any fisheries in an area of the high seas where there was no operational cooperative mechanism. Some delegations, however, were of the view

that issues concerning bottom fishing and the protection of vulnerable marine ecosystems should be reserved to the process established in the General Assembly.

137. Delegations highlighted the need for progress in achieving compatibility of measures, including in the South Pacific, to ensure the conservation of species and the biological integrity of stocks. There was a need in that regard for regional fisheries management organizations and arrangements to adopt and integrate the necessary measures to deal with the continued deterioration of high-seas fish stocks.

138. Several delegations stressed the need for specific recommendations on shark species, which were particularly threatened. It was recommended that States and regional fisheries management organizations and arrangements implement species-specific data-collection requirements for shark species, conduct biological assessments and develop associated conservation and management plans or measures. In addition, it was proposed that regional fisheries management organizations and arrangements consider requiring that sharks be landed with fins naturally attached as a tool to strengthen enforcement and monitoring of existing shark measures that prohibit finning. Other delegations cautioned against a "one size fits all" approach, but agreed that measures needed to be adopted to ensure that the number of sharks caught corresponded to the number of fins landed.

139. With regard to mechanisms for international cooperation and non-members, some delegations urged regional fisheries management organizations and arrangements to update their mandates by incorporating modern standards. Delegations also appealed for existing conservation and management measures in regional fisheries management organizations and arrangements to be respected and implemented effectively.

140. Delegations emphasized that it was essential for regional fisheries management organizations and arrangements to adopt measures based on the best available scientific advice. There was a need for a more dynamic interaction between scientists and management processes. Conservation and management measures should be reviewed regularly by a panel of independent scientists or by management bodies within the regional fisheries management organizations and arrangements, and revised to ensure consistency with the best available science and the management objectives of the organization or arrangement. Several delegations emphasized that effective decision-making depended on the political will of the organization's members and that alternative modalities should perhaps be explored.

141. Delegations urged the entry into force of recently revised constitutive instruments, such as that of NAFO, and recently concluded treaties establishing new regional fisheries management organizations and arrangements, as in the case of SPRFMO and SIOFA. Delegations identified the need to avoid geographical gaps in the establishment of regional fisheries management organizations and arrangements, and States involved in negotiations to establish new organizations and arrangements were also urged to conclude those negotiations as quickly as possible. Delegations also indicated that States should be encouraged to join regional fisheries management organizations and arrangements.

142. Many delegations recommended that regional fisheries management organizations and arrangements carry out regular performance reviews and ensure that the recommendations from those reviews were implemented within a reasonable time. Delegations also supported more transparency in performance reviews.

Several delegations suggested that the results of performance reviews be compiled in a single source to show trends and demonstrate whether regional fisheries management organizations and arrangements had fully complied with the scientific data. It was proposed that regional fisheries management organizations and arrangements that had not yet initiated performance reviews do so by 2012 and that performance reviews be conducted every five years. Other delegations suggested that reviews should be performed by an independent entity, such as the General Assembly, but some delegations were opposed to this suggestion. It was proposed that regional fisheries management organizations and arrangements be encouraged to update their constitutive instruments every four years.

143. Delegations encouraged regional fisheries management organizations and arrangements to enhance their cooperation, for example through the establishment of joint working groups or memorandums of understanding to develop compatible and consistent measures and share best practices. The importance of cooperation in mitigating by-catch and implementing monitoring, control and surveillance tools or programmes was emphasized. Cooperation was also important in regard to limitations on fishing opportunities and addressing the aspirations of participating developing States. Regional fisheries management organizations and arrangements that regulated straddling fish stocks were urged to hold joint consultations and share best practices. Delegations also called upon the tuna regional fisheries management organizations to expand the use of the Kobe II strategy matrix (see www.tuna-org.org, report of the second joint meeting) for setting management measures.

144. Delegations noted the need for regional fisheries management organizations and arrangements to take into account new challenges in managing fisheries activities, such as climate change and ocean acidification, and to consider the impact of rising sea levels on island and coastal States and on low-lying areas. There was also a need for greater transparency in the work and decisions of regional fisheries management organizations and arrangements, including less restrictive procedures for participation by intergovernmental and non-governmental organizations in their meetings.

145. With regard to monitoring, control and surveillance and compliance and enforcement, delegations stressed that flag States must ensure compliance with conservation and management measures by their fishing vessels. Flag States should be held accountable for the actions of their vessels on the high seas. It was also suggested that coastal States should have greater access to data, including observer data, for compliance and enforcement purposes. Delegations proposed the establishment of a binding international agreement to determine responsibility and measures that flag States should apply to prevent and eliminate illegal, unreported and unregulated fishing.

146. Many delegations expressed their support for the recent work in Canada and in FAO on flag State performance and encouraged FAO to hold technical consultations as soon as possible to define international guidelines on criteria for assessing the performance of flag States. It was suggested that codifying existing criteria on flag State performance into guidelines for assessing flag State performance would be useful. A number of delegations renewed the call for the establishment of a global register of vessels by FAO, with unique vessel identifiers, such as IMO numbers.

147. Many delegations emphasized the need for conservation and management measures in regional fisheries management organizations and arrangements to be

implemented effectively by all members and enforced by the organization or arrangement. It was recommended that regional fisheries management organizations and arrangements develop or strengthen mechanisms to assess annually the level of compliance and cooperation with their measures by parties and non-parties, with a view to possible sanctions for non-compliance. Delegations also called for the exchange of best practices among developing States and the establishment of mechanisms for sharing information on monitoring, control and surveillance. It was noted that market measures might require cooperative arrangements among stakeholders in the fishing industry.

148. It was suggested that monitoring, control and surveillance should be considered as a package or toolbox of multiple measures that bolstered high-seas measures, such as regulation of trans-shipment and boarding and inspection. The importance of catch documentation schemes as a tool to help prevent illegal, unreported and unregulated fishing was also emphasized. Delegations recommended that international cooperation be strengthened with respect to vessels engaged in illegal, unreported and unregulated fishing, including the exchange and recognition of vessel lists, the adoption of market measures and consideration of the transnational and criminal aspects of some of their activities. There was also a need for capacity-building and international support through, inter alia, shiprider agreements and patrol boats.

149. With regard to alternative mechanisms for compliance and enforcement, the important role of technology was noted and it was proposed that cameras could be used to monitor fishing activities and replace boarding and inspection. It was suggested that such new technologies needed to be cost-effective. Delegations also stressed the important role of independent observer programmes.

150. Delegations generally shared the view that the Agreement on Port State Measures was one of the most important instruments to combat illegal, unreported and unregulated fishing. States were encouraged to ratify it on a priority basis and regional fisheries management organizations and arrangements were encouraged to adopt measures consistent with the new instrument, while recognizing regional differences. FAO was also encouraged to take steps to ensure the correct implementation of the Agreement on Port State Measures.

151. In addition, States were encouraged to join the International Monitoring, Control and Surveillance Network, and States already involved in the Network were called upon to share the tangible outcomes of their work, share information and practices and explore opportunities to provide the Network with permanent or long-term funding. It was suggested that the Network could be significantly expanded with funding from levies paid by commercial fishing vessels operating within the purview of regional fisheries management organizations and arrangements. It was also noted that the Network could be an appropriate vehicle to enable the sharing of data and information on monitoring, control and surveillance.

152. With regard to developing States and non-parties, many delegations urged greater participation in the Agreement, particularly by developing States and small island developing States. Delegations also called for focused assistance to enable developing States to implement the Agreement, particularly in the areas of science, data collection and reporting; monitoring, control and surveillance programme development; port State control; fisheries management and governance structures

and improving regulatory mechanisms. It was noted that 27 per cent of the parties to the Agreement were from small island developing States.

153. Some delegations of States not parties, however, stressed the need to address provisions in the Agreement that had prevented some States from becoming parties to it, citing articles 7 and 21 of the Agreement. It was emphasized that concerns expressed over boarding and inspection did not reflect a lack of understanding of the provisions of the Agreement, as had been suggested. It was noted by several delegations, however, that the resumed Review Conference was not mandated to consider amendments to the Agreement.

154. Delegations also called for greater efforts to establish mechanisms to encourage the participation of developing States in regional fisheries management organizations and arrangements. It was emphasized that there was a need for a more equitable distribution of fishing opportunities without causing an increase in the total allowable catch. Several delegations called for concerted efforts and innovative options to reduce or restructure fleets so as to accommodate the aspirations of coastal developing States to develop their own fisheries. Delegations called for further implementation of the agreement in the Doha discussions of WTO on special and differentiated treatment, as well as the lifting of unjustified barriers to trade in fish products. Several delegations indicated that the capacity-building needs of coastal developing States could be best addressed through reduced capacity and fair and equitable allocations of catches, and that States needed to immediately consider a reduction in fishing fleets and vessel sizes and the elimination of subsidies that facilitated illegal, unreported and unregulated fishing. Several delegations stated that catch reductions were essential to meeting the Millennium Development Goals.

155. Many delegations also supported the requests made for assistance to build the capacities of developing States to fulfil their rightful aspirations to participate equitably in fisheries for straddling fish stocks and highly migratory fish stocks, as well as to implement the Agreement. It was proposed, for example, that fisheries access agreements be strengthened to include monitoring, control and surveillance. The view was expressed that implementation of articles 24 to 26 of the Agreement was critical to building the capacity of developing States, especially small island developing States. Delegations indicated that developing States should be afforded assistance both with respect to the implementation of the Agreement and the enhancement of their ability to participate in fisheries for high-seas stocks.

156. Delegations referred to the need in developing States for institutional and technical support and improved access to markets, as well as for fair and preferential treatment in regard to trade rules and labelling of fish products. Some delegations emphasized the need to recognize the aspirations of developing States to sustainably develop their fisheries and allow fisheries and conservation issues to be addressed through their national legislation.

157. Some delegations identified a number of specific needs of developing States, including those relating to illegal, unreported and unregulated fishing, monitoring, control and surveillance, vulnerable marine ecosystems, data collection and access to high-seas data, as well as policing of high-seas trans-shipments. Assistance was also needed in developing compatible conservation and management measures, strengthening observer programmes, accessing data on high-seas fisheries, facilitating enforcement and participating in fisheries meetings. The need to build the capacity of flag States to maintain effective control over their vessels, including

taking action against vessels not meeting agreed criteria, was noted. Delegations also highlighted the need to acknowledge the issue of capacity limitations in the provision of accurate data in a timely manner.

158. Some delegations drew attention to the impact of climate change on small island developing States and on fish stocks, which were critical to food security in those States. The need for assistance to States suffering the effects of piracy was also highlighted.

159. Several delegations emphasized the need for transformative measures as well as time-bound goals with benchmarks in the provision of assistance to developing countries. A toolbox approach was proposed for enhancing the capacity of developing States through a range of strategies, resources and finance pathways, with a view to addressing both pressing needs and longer-term issues. These delegations also suggested the need to mainstream the capacity needs of developing States in fisheries with other development processes, such as those of international financing institutions, as well as the Mauritius Strategy for the Further Implementation of the Programme of Action for the Sustainable Development of Small Island Developing States.

160. A number of delegations emphasized the importance of contributions to the Assistance Fund established under Part VII of the Agreement, and stressed that the Fund was integral to the implementation of the Agreement and the wider participation of developing States. Delegations expressed gratitude to Norway for its pledge to the Fund and encouraged other States to contribute. Some delegations suggested that regional fisheries management organizations and arrangements should be encouraged to establish funds to support developing States. It was also proposed that the compilation of sources of funding available to developing States prepared by the Division for Ocean Affairs and the Law of the Sea (ICSP8/UNFSA/INF.4/Rev) should be kept up to date in order to make such forms of assistance more accessible to developing States.

161. It was noted that the status of the Fund had never been sufficient to adequately assist developing States. Some delegations indicated that the terms of reference of the Fund might not address long-term capacity development opportunities or the strengthening and provision of tools in support of monitoring, control and surveillance activities, and called for greater clarity on the roles and responsibilities for implementing the Fund's mechanisms. Several delegations noted that the Fund was not restricted to funding participation in meetings relating to the implementation of the Agreement; it was also to be used for capacity-building more generally.

IV. Adoption of the final report of the resumed Review Conference

162. At the last plenary meeting, on 28 May 2010, the President submitted to the Conference a document containing the draft outcome of the resumed Review Conference as negotiated and agreed to by the Drafting Committee. The document had been subject to considerable debate and was the product of a great deal of compromise. The President thanked delegations for their highly collaborative spirit during the discussions and invited general comments or additional proposals during the plenary meeting.

163. Some delegations underscored the difficulty experienced by non-English speakers in negotiating the document on the basis of a draft that had been circulated in English only owing to time constraints. Two additional paragraphs were proposed to the text of the document, which for lack of time had not been presented to the Drafting Committee. Delegations also proposed the addition of a paragraph on the need to establish long-term conservation and management measures for deep-sea fisheries, in accordance with the FAO Guidelines. Those proposals were accepted with minor revision.

164. The Conference then adopted the outcome of the resumed Review Conference, as amended (see the annex to the present report).

165. Some delegations of States non-parties raised concerns over the working methods of the resumed Review Conference. Those delegations expressed concerns, in particular, about the need for the resumed Review Conference to review and assess the adequacy of the provisions of the Agreement, as provided for in article 36, paragraph 2. Two States non-parties indicated that they were not in a position to associate themselves with the outcome of the resumed Review Conference.

166. It was agreed that the outcome of the resumed Review Conference would be incorporated into the final report, which would also include a draft record of deliberations prepared by the President with the assistance of the Secretariat. The draft report would be made available on the Division's website for participants to provide suggestions and comments. The President, in cooperation with the Bureau, would then review all suggestions and comments with a view to incorporating them in the final report.

V. Suspension of the Conference

167. The President observed that the Agreement had been under review since it entered into force through two processes: the Review Conference and the informal consultations. He invited delegations to provide their views on the future of these mechanisms.

168. Although there was general consensus on the need to keep the Agreement under review, there were a range of views on the mechanisms for doing so, and the timing of such reviews. Several delegations expressed the view that the Review Conference should be suspended and resumed in the future. Delegations were of the view that some degree of flexibility should be retained in order to keep open the option of reconvening the Review Conference in the future, through a decision of the General Assembly.

169. Some delegations expressed concern over the suspension and resumption of the Review Conference, and expressed a preference to continue the review of the implementation of the Agreement in the more informal and cost-effective setting of the informal consultations. The view was expressed that the objectives of article 36 of the Agreement could be accomplished in a forum other than the Review Conference. Concerns were also expressed over the capacity of delegations to follow the growing number of formal and informal meetings.

170. Some delegations expressed a preference for the Review Conference to be resumed in four years. In that context, one delegation noted that issues concerning oceans and seas and marine resources would be considered in the work of the

Commission on Sustainable Development between 2014 and 2015, and suggested that it would be useful to resume the Review Conference after 2015 to take into account the decisions and work of the Commission.

171. The Conference agreed to continue the informal consultations and to keep the Agreement under review through the resumption of the Review Conference at a date no earlier than 2015, to be agreed on at a future round of informal consultations. Several delegations indicated that further planning would be needed to clarify the respective roles of the two mechanisms. Other delegations stressed the need to give full effect to the mandate under article 36 of the Agreement in the future, in terms of both proposing means of strengthening the implementation of the Agreement and reviewing the adequacy of its provisions. It was observed that it was also important to ensure that new issues were addressed.

VI. Other matters

172. The Director of the Division provided an update on the twenty-third award of the Hamilton Shirley Amerasinghe Fellowship and on events that were being organized by the Division to mark the second celebration of World Oceans Day.

173. The President declared the Conference suspended.

Annex

Outcome of the resumed Review Conference

New York, 28 May 2010

Preamble

1. The resumed Review Conference reaffirmed that the United Nations Convention on the Law of the Sea (the Convention) and the United Nations Fish Stocks Agreement (the Agreement) provide the legal framework for conservation and management of straddling fish stocks and highly migratory fish stocks, taking due account of other relevant international instruments.

2. The resumed Review Conference recalled that all provisions of the Agreement shall be interpreted and applied in the context of, and in a manner consistent with, the Convention. Regional fisheries management organizations and arrangements were recognized as the primary mechanism for international cooperation in conserving and managing straddling fish stocks and highly migratory fish stocks.

3. The resumed Review Conference reaffirmed the recommendations adopted in 2006 and urged that implementation of the recommendations continue and be strengthened.

4. The resumed Review Conference, concerned that some straddling fish stocks and highly migratory fish stocks continue to be overexploited or depleted, determined that implementation of the Agreement would be further strengthened by additional recommendations that build on the 2006 outcomes and, in some cases, address new issues relevant to strengthening the substance and methods of implementing the provisions of the Agreement.

5. The resumed Review Conference emphasized that full implementation of and compliance with conservation and management measures, adopted in accordance with international law and that apply the precautionary approach and are based on the best available scientific evidence, are essential to ensure recovery and long-term conservation and sustainable use of straddling fish stocks and highly migratory fish stocks.

6. As a result, the resumed Review Conference recommended that States and regional economic integration organizations, individually and collectively through regional fisheries management organizations and arrangements:

I. Conservation and management of stocks

(a) Commit themselves on an urgent basis to improving, through effective conservation and management measures, the status of straddling fish stocks and highly migratory fish stocks that are overexploited or depleted;

(b) Strengthen efforts to improve cooperation between flag States whose vessels fish on the high seas and coastal States so as to ensure compatibility of measures for the high seas and for areas under national jurisdiction with respect to straddling fish stocks and highly migratory fish stocks in accordance with article 7 of the Agreement and relevant provisions of the Convention;

(c) Comply fully with their obligations as members or cooperating non-members of regional fisheries management organizations and arrangements to

submit timely, complete and accurate fisheries data; create incentives to promote compliance with those obligations; and take steps to address persistent failure to fulfil those obligations;

(d) Further to the recommendation in paragraph 19 of the outcome of the Review Conference in 2006 (A/CONF.210/2006/15, annex), provide the requested information to the Food and Agriculture Organization of the United Nations (FAO);

(e) Reaffirm the commitment to urgently reduce the capacity of the world's fishing fleets to levels commensurate with the sustainability of fish stocks, through the establishment of target levels and plans or other appropriate mechanisms for ongoing capacity assessment, while avoiding the transfer of fishing capacity to other fisheries or areas in a manner that undermines the sustainability of fish stocks, including, inter alia, those areas where fish stocks are overexploited or in a depleted condition, recognizing in this context the legitimate rights of developing States to develop their fisheries for straddling fish stocks and highly migratory fish stocks consistent with article 25 of the Agreement, article 5 of the FAO Code of Conduct for Responsible Fisheries and paragraph 10 of the International Plan of Action for the Management of Fishing Capacity of FAO;

(f) Strengthen implementation of an ecosystem approach through promoting and conducting scientific research in support of fisheries management, applying appropriate risk assessment tools and conducting stock assessments to conserve and manage associated and dependent species and their habitats, and adopting management measures for currently unregulated directed fisheries or for those species that are caught as by-catch and then commercially traded;

(g) Strengthen the conservation and management of sharks by:

(i) establishing and implementing species-specific data collection requirements for shark species caught in directed shark fisheries or as by-catch in other fisheries;

(ii) conducting biological assessments and developing associated conservation and management measures for such sharks; and

(iii) strengthening, on the basis of the best scientific information available, enforcement of existing prohibitions on shark finning by requiring that sharks be landed with their fins naturally attached or through different means that are equally effective and enforceable;

(h) Establish long-term conservation and management measures for deep-sea fisheries in accordance with the International Guidelines for the Management of Deep-sea Fisheries in the High Seas of FAO;

(i) Apply the guidelines in annex II of the Agreement and determine, on the basis of the best scientific information available, reference points for specific stocks and provisional reference points when information for a fishery is poor or absent in accordance with the precautionary approach and actions to be taken if they are exceeded; and develop and implement fishery management strategies that have a high probability of ensuring that agreed stock-specific reference points are not breached;

(j) Where a stock is identified as being overfished or depleted, establish rebuilding and recovery strategies, with time frames and probabilities of recovery, guided by scientific assessments and with periodic evaluation of progress;

(k) Strengthen interaction between fisheries managers and scientists to ensure that conservation and management measures are based on the best available scientific evidence and meet the management objectives set by the regional fisheries management organization or arrangement, including through:

(i) considering the use of the Kobe II strategy matrix (see www.tuna-org.org, report of the second joint meeting) for setting management measures in regional fisheries management organizations and arrangements; and

(ii) regular scientific review of the effectiveness of conservation and management measures adopted by regional fisheries management organizations and arrangements;

(l) Encourage participation in the FAO process to develop international guidelines on by-catch management and reduction of discards, including the technical consultation to be convened by FAO in December 2010 on this issue;

(m) Strengthen the commitment to eliminate subsidies that contribute to illegal, unreported and unregulated fishing, overfishing and overcapacity, while completing the efforts undertaken through the World Trade Organization in accordance with the Doha Declaration on Financing for Development and the 2005 Hong Kong Ministerial Declaration to clarify and improve its disciplines on fisheries subsidies, taking into account the importance of the fisheries sector to developing countries;

(n) Strengthen efforts to study and address environmental factors affecting marine ecosystems, including adverse impacts of climate change and ocean acidification, and, where possible, consider such impacts in establishing conservation and management measures for straddling fish stocks and highly migratory fish stocks;

(o) Give effect to article 5 (d) of the Agreement to assess the impacts of fishing, other human activities and environmental factors on target stocks and species belonging to the same ecosystem or associated with or dependent upon the target stocks;

II. Mechanisms for international cooperation and non-members

(a) Modernize the mandates of regional fisheries management organizations and arrangements, where this has not yet occurred, to reflect explicit provisions for the use of modern approaches to fisheries conservation and management set forth in the Agreement and other relevant international instruments, including with respect to the aspirations of developing States, particularly the least developed among them and small island developing States;

(b) Promote the early entry into force of revised agreements for regional fisheries management organizations and arrangements and recently concluded treaties establishing new organizations and arrangements;

(c) Conclude negotiations among all interested States to establish new regional fisheries management organizations and arrangements as soon as possible, and seek to avoid any geographic gaps between their convention areas and the convention areas of existing organizations and arrangements covering similar fisheries;

(d) Undertake performance reviews that include some element of independent evaluation not later than 2012 for those regional fisheries management organizations and arrangements for which such reviews have not yet been undertaken; undertake such reviews on a regular basis, for example every five years; and ensure that information about actions taken to implement the recommendations from performance reviews is made publicly available;

(e) Encourage regional fisheries management organizations and arrangements of which they are members to strengthen cooperation through the establishment of joint working groups or other mechanisms to facilitate the development of harmonized or consistent measures across regional fisheries management organizations and arrangements, particularly with regard to mitigating and managing the by-catch of non-target and associated and dependent species, implementing an ecosystem approach and promoting effective and consistent implementation of monitoring control and surveillance tools;

(f) Invite regional fisheries management organizations with competence to manage straddling fish stocks to consider holding joint meetings to exchange views on key issues and to share best practices where appropriate;

(g) Ensure implementation of interim measures adopted by the participants in negotiations to develop new regional fisheries management organizations and arrangements that are not yet in force, including those relating to the South Pacific and North Pacific regions; provide to the appropriate interim bodies complete and accurate fisheries data so as to facilitate the effective implementation of those interim measures; and provide for a periodic review of such measures in the light of the status of the resource based on updated scientific advice;

(h) Where appropriate, strengthen efforts to agree on participatory rights of members, new members and cooperating non-members of regional fisheries management organizations and arrangements, giving due regard to the aspirations of developing States, particularly the least developed among them and small island developing States, and the status of the stocks;

iii. Monitoring, control and surveillance and compliance and enforcement

(a) Annually assess compliance by members with measures of regional fisheries management organizations and arrangements and, where appropriate, cooperation by non-members with those measures; create incentives to promote compliance and cooperation with those measures; and take steps to address persistent non-compliance and non-cooperation;

(b) Encourage States to consider becoming party to the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing with a view to its early entry into force; and adopt port State measures consistent with that agreement through regional fisheries management organizations and arrangements if they have not already done so;

(c) Prevent illegally harvested fish or fish products from entering into commerce through the greater use and better coordination of catch documentation schemes and other market-related measures, strengthen law enforcement cooperation and facilitate the commerce in fish or fish products caught in a sustainable manner;

(d) Fully implement their responsibilities as flag States and develop through FAO, including at a technical consultation to be convened no later than 2011, a set

of criteria for assessing the performance of flag States in carrying out those responsibilities, as well as steps to address persistent failure to carry out those responsibilities;

(e) Control fishing activities of their nationals, to the extent possible, that undermine the effectiveness of conservation and management measures adopted in accordance with international law and take measures and cooperate to ensure compliance by their nationals and, where relevant, share information on steps taken in this regard with other States and regional fisheries management organizations and arrangements;

(f) Expedite efforts through FAO, in cooperation with the International Maritime Organization (IMO), to create a unique vessel identifier system as part of a comprehensive global record of fishing vessels that includes refrigerated transport and supply vessels;

(g) Strengthen measures of regional fisheries management organizations and arrangements to monitor and regulate trans-shipment activity, particularly by considering stronger rules relating to trans-shipment at sea and the landing of fish and fish products that have been trans-shipped at sea; and strengthen the monitoring of high-seas fishing vessels by increasing the coverage of independent on-board observers and through other equally effective means;

(h) Consider joining the International Monitoring, Control and Surveillance Network and share information and practices that would strengthen enforcement of fisheries conservation and management measures and consider providing funding for the Network;

IV. Developing States and non-parties

(a) Build the capacity of developing States, including the least developed among them and small island developing States, to participate in high-seas fisheries, including for straddling fish stocks and highly migratory fish stocks, to receive greater benefits from sustainable fisheries for such stocks, to develop their own fisheries and to improve their market access;

(b) Provide assistance to build the capacity of developing States, in particular the least developed among them and small island developing States, to implement the Agreement, particularly in the areas of science, data collection and reporting, monitoring, control and surveillance, port and flag State control and fisheries conservation and management, facilitating access to and development of sustainable fisheries for straddling fish stocks and highly migratory fish stocks;

(c) Observe the need, when establishing conservation and management measures for straddling fish stocks and highly migratory stocks, to avoid adverse impacts on, and ensure access to fisheries by, subsistence, small-scale and artisanal fishers and women fishworkers, as well as indigenous peoples in developing States, particularly small island developing States;

(d) Urge the mainstreaming of efforts undertaken in the context of the Agreement to assist developing States, in particular the least developed and small island developing States, with other relevant international development strategies with a view to enhancing international coordination to enable them to develop their national capacity to exploit fishery resources, consistent with the duty to ensure the conservation and management of those resources;

(e) Encourage the identification of strategies that further assist developing States, in particular the least developed and small island developing States, in realizing a greater share of the benefits from the catch of straddling fish stocks and highly migratory fish stocks and in strengthening regional efforts to sustainably conserve and manage such stocks;

(f) Ensure that the compilation of sources of funding available to developing States is kept readily available and up to date so as to make such forms of assistance more accessible for developing States;

(g) Contribute to the Assistance Fund established under Part VII of the Agreement and to other mechanisms to assist developing States in the conservation and management of straddling fish stocks and highly migratory fish stocks and the implementation of the Agreement in its entirety;

(h) Establish mechanisms to assist developing States in regional fisheries management organizations and arrangements that do not already have such mechanisms and ensure that those mechanisms support the implementation of the Agreement in its entirety; and

(i) Call upon all States that are involved or may become involved in fisheries for straddling fish stocks and highly migratory fish stocks that have not yet done so to become parties to the Agreement.

V. Dissemination of the final report and further reviews

7. The resumed Review Conference agreed to request the President of the Conference to transmit the final report of the Conference to the secretariats of all regional fisheries management organizations, including, where possible, those under negotiation, and to the General Assembly, IMO, FAO and other relevant organizations, and to highlight relevant recommendations and requests for action contained in the report.

8. The resumed Review Conference further agreed:

(a) That the Review Conference has provided a useful opportunity to assess the effectiveness of the Agreement and its implementation. Further review is also necessary;

(b) To continue the informal consultations and keep the Agreement under review through the resumption of the Review Conference at a date not earlier than 2015, to be agreed at a future round of informal consultations, and to request the Secretary-General to convene such meetings; and

(c) That the resumed Review Conference will be mandated to assess the effectiveness of the Agreement in securing the conservation and management of straddling and highly migratory fish stocks by reviewing and assessing the adequacy of its provisions and, if necessary, proposing means of strengthening the substance and methods of implementation of those provisions in order better to address any continuing problems in the conservation and management of those stocks, as provided for in article 36 of the Agreement.